

POLICY REGARDING THE WINDING DOWN OF A DENTAL PRACTICE WHEN THE OWNER DENTIST PASSES AWAY

Preamble: The Board understands the difficulties presented upon the death of an owner dentist, and therefore sets forth its position regarding the enforcement of Ohio Revised Code section 4715.01 in these unique situations.

The Ohio Revised Code states that only a dentist can be an owner, operator or manager of a place for performing dental operations (dental practice). As such, when the situation arises where the sole owner of a dental practice dies, the practice must wind down and prepare itself to close or be sold. Technically, a dental office cannot operate once the owner dentist is deceased.

The Ohio State Dental Board (Board), cognizant of the difficulties that arise in these situations, sets forth the following guidelines with respect to the enforcement of R.C. 4715.01 in these situations.

First and foremost is the fact that the practice cannot operate unless a dentist is present. Therefore, if patient care is to continue, a temporary dentist should be brought on board, if none currently are employed. The dentist shall then have the responsibility of providing patient care, managing the patients and supervising the dental hygienists and other dental personnel.

Typically, when an owner/dentist dies, the practice is left to the surviving spouse or family, or the estate. Initially the Board will not pursue these non-dentist owners, unless the situation persists after 90 days and the practice is not sold or closed.

The goal should be to ensure that patient care is maintained by having a dentist present in the dental practice. Then, efforts should be taken to sell the practice. If the practice is to close, efforts must be taken to notify patients, refer patients if necessary, and take care of the records that currently exist in the dental office.

After 90 days have elapsed, the Board will begin its inquiry into any practice where the owner dentist has passed away, and the practice is being maintained by the family or the estate.

(April 17, 2002)